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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,049	01/08/2002	Michael Wayne Brown	AUS920000718US1	4476

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EXAMINER
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CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,049

Applicant(s)

BROWN ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19-29, 31-49, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-29, 31-49, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to a Pre-Appeal Conference filed January 16, 2006. The previous rejection has been withdrawn and prosecution will be reopened. Claims 1-17,19-29,31-49,51-52 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 33-49,51-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 33 recites the limitation "the code" in line 3. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 40 recites the limitation "the code" in line 4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 45 recites the limitation "the code" in line 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 49 recites the limitation "the code" in line 3. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3,5-11,21-25,33-35,37-43, are rejected under 35 U.S.C. 102(e) as being anticipated by Berenson et al. (US 2001/0049617), herein referred to as Berenson.

As per claims 1,21,33, Berenson discloses a system implemented by a wireless device to provide information on a scheduled event in a person information manager (PIM) application, wherein the wireless device performs:

receiving a code associated with a promoted event sponsored by a third party entity (see page 2, paragraph [0027]);

transmitting the received code to a server including a calendar database for the user of the transmitting wireless device including scheduled event records, wherein the server maintains an association of promoted event codes with third party entities sponsoring the promoted events (see page 2 paragraph [0029]);

receiving from the server a scheduled event record including information on the promoted event associated with the code (see page 2, paragraph [0029]); and

rendering calendar information at the wireless device including information on the scheduled event included in the scheduled event record (see page 4, paragraph [0045]).

As per claims 2,34, Berenson further discloses that the code is entered via a user input mechanism on the wireless device (see page 2, paragraph [0027]).

As per claims 3,35, Berenson further discloses that the code is transmitted to the wireless device via a wireless transmission medium (see page 4, paragraph [0045]).

As per claims 5,22,37, Berenson further discloses that the scheduled event record comprises a shadowed scheduled event record, wherein information on the shadowed scheduled event is displayed with the calendar information at the wireless device as a non-committed event (see page 2, paragraph [0024]).

As per claims 6,38, Berenson further discloses that the code is transmitted to the server in response to the user input at the wireless device (see page 2, paragraph [0027]).

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As per claims 7,39, Berenson further discloses receiving a plurality of codes associated with promoted events sponsored by at least one third party entity, wherein transmitting the code to the server comprises transmitting the plurality of codes, wherein receiving the scheduled event record from the server further comprises receiving one scheduled event record for each transmitted code, and wherein rendering calendar information at the wireless device including information on the scheduled event comprises rendering information on scheduled events for the received scheduled event records (see page 2, paragraphs [0027,0029]).

As per claims 8,23,40, Berenson discloses a system implemented by a server to provide schedule events for users of wireless devices, wherein the wireless devices are capable of displaying calendar information on scheduled events, comprising:

maintaining an association of codes with promoted events sponsored by third party entities (see page 2, paragraph [0024]);

receiving a code associated with on promoted event sponsored by one third party entity transmitted from the wireless device (see page 2, paragraph [0027]);

determining a scheduled event record including information on the promoted event corresponding to the received code (see page 3, paragraph [0030]); and

transmitting the determined scheduled event record to the wireless device that transmitted the code, wherein the wireless device is capable of rendering calendar information including information on the scheduled event included in the transmitted scheduled event record (see page 2, paragraph [0029]).

As per claims 9,41, Berenson further discloses providing a data structure including a plurality of codes and associating with each code one scheduled event record, wherein determining the scheduled event record corresponding to the received code comprises searching the data structure for one code matching the received code transmitted from the wireless device and the associated scheduled event record (see page 2, paragraph [0027]).

As per claims 10,24,42, Berenson further discloses that a plurality of codes are received from the wireless device and one determined scheduled event record for each code is transmitted to the wireless device transmitting the plurality of codes (see page 2, paragraph [0027]).

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As per claims 11,25,43, Berenson further discloses that schedule event records and codes are provided for different event promoters (see page 2, paragraph [0020]).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 3 and 35 above, and further in view of Extended Systems ("IrDA versus Bluetooth: A Complementary Comparison").

Although the system disclosed by Berenson shows a code transmitted to a wireless device, transmitted from the wireless device to the server, it fails to disclose that the code is rendered at the wireless device automatically without any intervening user action.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Extended Systems.

In an analogous art, Extended Systems disclose methods of communicating by wireless transmission further showing that it would have been obvious to allow a code rendered at a wireless device automatically without any intervening user action (see page 4, paragraph 2, where information is extended between two devices without user intervention).

Given the teaching of Extended Systems, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing data transmission without any intervening user action, such as disclosed by Extended Systems, in order to allow a user to synchronize a handheld device with another computer without having to utilize messy cords.

11. Claims 12,26,44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 11,25,43, above, and further in view of Ciarlante et al. (US 6,532,488).

As per claims 12,26,44, although the system disclosed by Berenson shows making scheduled event records for the promoter available to wireless devices in response to transmissions of the code associated with the scheduled event record (see page 2, paragraph [0029]), it fails to disclose charging a fee to the event promoter to include one scheduled event record in the data structure.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Ciarlante et al.

In an analogous art, Ciarlante et al. disclose a host server connected to different independent software vendors, which provide applications to the host server, which are available for use by clients. Ciarlante further discloses charging a fee to the independent software vendors for hosting the software made available to the clients (see column 12, lines 36-45).

Given the teaching of Ciarlante et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing a charging system for utilizing a hosting system, such as disclosed by Ciarlante, in order for a hosting system to profit off independent vendors to use the portal to the vendors that the hosting system provides.

12. Claims 13-17,20,27-29,32,45-49,52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson (US 2001/0049617), herein referred to as Berenson, and further in view of Myllymaki et al. (US 2002/0118118), herein referred to as Myllymaki.

As per claims 13,27,45 Berenson discloses a system implemented by a wireless device to provide information on a scheduled event to a personal information manager (PIM) application, wherein the wireless device performs:

receiving a scheduled event record including information on a scheduled event transmitted from a transmitter system for a promoted event sponsored by a third party entity including at least one scheduled event record (see page 2, paragraph [0024]);

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rendering calendar information at the wireless device including information on the promoted event included in the scheduled event record (see page 4, paragraph [0045]); and

transmitting the scheduled event record for the promoted event to a server including a calendar database for the user of the transmitting wireless device including scheduled event records, wherein the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (see page 3, paragraph [0030]).

Although the system disclosed by Berenson shows substantial features of the claimed invention (discussed above), it fails to disclose that the receiving of a scheduled event record is done when the wireless device is within a broadcast range of the transmitter system.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Myllymaki.

In an analogous art, Myllymaki discloses a scheduling system that sends notices of promoted events when a device is in proximity to an event (see Fig. 3).

Given the teaching of Myllymaki, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing an event notification based on location data, such as disclosed by Myllymaki, in order to deliver local events that may be interesting to the user.

As per claims 14,46, Berenson in view of Myllymaki further discloses receiving user input to accept the scheduled event record, wherein information on the scheduled event in the scheduled event record is rendered with calendar information and wherein the scheduled event record is transmitted to the server to include in the calendar database for the user of the wireless device after receiving the user input to accept the scheduled event record (see Berenson page 3, paragraph [0032]).

As per claims 15,28,32,47 Berenson in view of Myllymaki further discloses receiving a list of scheduled events for promoted events from at least one third party entity from the transmitter system (see page 2, paragraph [0021]);

receiving user input selecting at least one of the scheduled events on the list for one promoted event (see Berenson page 2, paragraph [0024]); and



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transmitting information on the selected at least one schedule event to the transmitter system, wherein receiving the scheduled event record further comprises receiving one scheduled event record for each selected scheduled event (see Berenson page 2, paragraph [0029]).

As per claims 16,48, Berenson in view of Myllymaki further discloses that rendering the calendar information at the wireless device further comprises rendering information on the scheduled event included in each received scheduled event record, and wherein transmitting the scheduled event to the server further comprises transmitting each scheduled event to the server (see Berenson page 2, paragraph [0024]).

As per claims 17,29,49, Berenson in view of Myllymaki disclose a system implemented by a transmitter for transmitting information on scheduled events, comprising:

providing information on at least one scheduled event record, wherein each scheduled event record includes information on a scheduled promoted event sponsored by an event promoter (see Berenson page 2, paragraph [0021]); and

transmitting the at least one scheduled event record for at least one promoted event sponsored by at least one event promoter to wireless devices within a broadcast range of the location transmitter (see Myllymaki Fig. 3), wherein the wireless device adds the scheduled event record to calendar information for the wireless device user (see Berenson page 2, paragraph [0027]).

As per claims 20,52 Berenson in view of Myllymaki further disclose transmitting a list of scheduled promoted events from at least one event promoter (see Berenson page 2, paragraph [0021]);

receiving, from the wireless device, user input indicating selection of at least one of the scheduled promoted events on the list (see Berenson page 2, paragraph [0024]); and

transmitting the scheduled event record for each selected scheduled event to the wireless device from which user input was received (see Berenson page 2, paragraph [0029]).

13. Claims 19,31,51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson in view of Myllymaki as applied to claims 17,29,49, above, and further in view of Ciarlante et al. (US 6,532,488).

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As per claims 19,31,51, although the system disclosed by Berenson in view of Myllymaki shows making scheduled event records for the promoter available to wireless devices in response to transmissions of the code associated with the scheduled event record (see Berenson page 2, paragraph [0029]), it fails to disclose that the event promoter charges a fee to have broadcasted scheduled event records.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson in view of Myllymaki, as evidenced by Ciarlante et al.

In an analogous art, Ciarlante et al. disclose a host server connected to different independent software vendors, which provide applications to the host server, which are available for use by clients. Ciarlante further discloses charging a fee to the independent software vendors for hosting the software made available to the clients (see column 12, lines 36-45).

Given the teaching of Ciarlante et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson in view of Myllymaki by employing a charging system for utilizing a hosting system, such as disclosed by Ciarlante, in order for a hosting system to profit off independent vendors to use the portal to the vendors that the hosting system provides.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

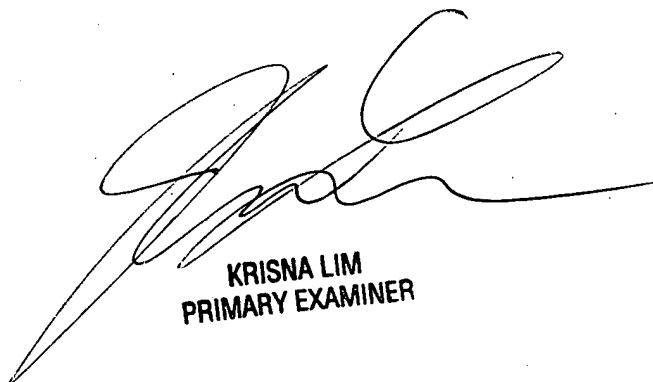
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC 4/13/06



KRISNA LIM  
PRIMARY EXAMINER